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Attn: Examiner Ba Huynh
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FROM: George H. Gates
OUR REF.: 7842.01
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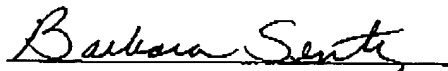
Title of Document Transmitted:	TRANSMITTAL SHEETS AND REPLY BRIEF OF APPELLANT
Applicant:	Nga T. Dang
Serial No.:	09/934,945
Filed:	August 22, 2001
Group Art Unit:	2179
Title:	METHOD AND APPARATUS FOR AN APPLETT TO DISPLAY MULTIPLE WINDOWS
Our Ref. No.:	7842.01

Please charge all fees to Deposit Account No. 14-0225 of NCR Corporation, the assignee of the present application.

By: 

Name: George H. Gates
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G&C 30145.285-US-D1

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Due Date: January 1, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nga T. Dang Examiner: Ba Huynh
Serial No.: 09/934,945 Group Art Unit: 2179
Filed: August 22, 2001 Docket: 7842.01
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Commissioner for Patents

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Dear Sir:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Due Date: January 1, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)	
)	
Inventor: Nga T. Dang)	Examiner: Ba Huyah
)	
Serial #: 09/934,945)	Group Art Unit 2179
)	
Filed: August 22, 2001)	Appeal No.: _____
)	
Title: METHOD AND APPARATUS FOR AN)	
APPLET TO DISPLAY MULTIPLE)	
WINDOWS)	

REPLY BRIEF OF APPELLANT

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I. INTRODUCTION

In accordance with 37 C.F.R. §41.41, Appellant's attorney hereby submits the Reply Brief of Appellant in response to the Examiner's Answer dated November 1, 2005 received in the above-identified application.

No fee is required for filing this Reply Brief. However, the Office is authorized to charge any necessary fees or credit any overpayments to Deposit Account No. 14-0225 of NCR Corporation, the assignee of the present application.

II. ARGUMENTS

In the Answer, the Examiner essentially reiterates the prior rejections, albeit using somewhat different citations to the references. In this regard, this Reply Brief of Appellant incorporates by reference herein the entirety of the previously filed Brief of the Appellant. Moreover, additional arguments are also presented below.

The Examiner's Answer again asserts that claims 12-35 are unpatentable under 35 U.S.C. §103(a) as being rendered obvious over U.S. Patent No. 6,401,134 to Razavi et al. (Razavi), in view

of U.S. Patent No. 6,412,021 to Nguyen. The Examiner's Answer, however, also asserts the following:

(10) Response to Argument

The Razavi et al reference. Conventionally, when an applet is executed inside a browser window the applet is constrained by the browser window and becomes an application-dependent of the browser application. For example, any output input, dialog box or pop-up window that are generated for the applet must appear within that constraint. Also, the applet window can not be closed unless the application is quit or until the application transitions to receive data from a new host window (Razavi's 1:40-56. See also the appellant's specification page 6, lines 13-19). Razavi et al teach an improvement to free the applet from being application-dependent by detaching the applet from the constraint of the application which executing the applet. The applet, when detached can appear in a detached window which is more easily controllable by the operating environment desktop. Razavi's figure 4 discloses a detached Jukebox applet as rendered on a display screen, outside of the browser window. The detached applet continues to run even if the application that launched the applet transitions to a new URL host (Razavi's 3:14-25, 7:45-47). The detached applet will have the functionality as any ordinary application window running on the operating environment (Razavi's 4:44-46, 7:59-8:9). The applet window class is a Frame class (5:1-20). The desktop can control the look-and-feel of the applet window, and to some degree, the applet as well (Razavi's 6:18-20, 7:35-45). Since the applet functions as any ordinary application window on the desktop, and that the applet components includes dialog boxes and pop-up windows (1:42-44, 8:59-62), it inherently appears that applet have the functionality of displaying a second window simultaneously (i.e., the second window is displayed while, during the applet window is displayed) with the applet window. I.e., any "ordinary application window" may have sub-windows in its hierarchy. More importantly, Razavi discloses in appendix A, page 1, the code for displaying a second window containing CD cover or a selection box. Although Razavi clearly discloses that the applet has the functionality of simultaneously displaying the second window as set forth above, Razavi fails to clearly teach the displaying of the second window. In the same field of applet application implementation, Nguyen clearly teach the displaying a second window from an applet window (Nguyen's 9:53-55). Thus it would have been obvious to one of skill in the art, at the time the invention was made, to combine Nguyen's teaching of displaying a second window from the applet window to Razavi's teaching of the Jukebox applet. Motivation of the combining is for the applet to display a second window containing the CD cover or the selection box with current selection and image. Razavi as combined with Nguyen read on the invention as recited in claims 12, 20 and 28.

The Nguyen reference. Nguyen also teaches the application-independent applet wherein an applet life cycle is governed by the `init()`, `start()`, `stop()`, and `destroy()` methods. The `start()` is called after the `init()` method or whenever the applet's is revisited. The `stop` is called whenever the user moves away from an applet's page. The state of the applet is saved. The `destroy()` is called when the desktop manager application exits normally or when the desktop manager needs to terminate the applet for other reasons, such as low memory condition (Nguyen's

8:16-39. See also the appellant's specification page 11, line 14 through page 12, line 14).

The arguments. As for claims 12, 20 and 28, the appellant argues Razavi teaches only one detachable window per applet. As set forth above, Razavi's detached applet will have the functionality as any ordinary application window running on the operating environment (Razavi's 4:44-46, 7:59-8:9), i.e., just like any ordinary application, the applet will have the functionality of displaying any secondary window associated with the applet. Even though Razavi does not specifically spell out the displaying of the second window, Razavi's Jukebox applet contains code for displaying of the window (appendix A, page 1, the code for displaying a second window containing CD cover or a selection box). Thus it is clear that Razavi's detached Jukebox is programmed to display the second window. A reference is to be considered not only for what it expressly state, but for what it would be reasonably suggested to one of skill in the art. In this case, one of skill in the art would be motivated to implement the displaying of the second window in order to display the CD cover or the selection box from the applet, giving the applet the full functionality of any ordinary application window as taught by Razavi. Nguyen teaches multiple applets running at the same time, but more importantly, Nguyen teaches that each applet can display a secondary window associated with the applet. Per Nguyen, an applet can display a pop-up window (9:53-55) or a dialog box (12:24-29). Razavi as combined with Nguyen read on the limitation displaying a second window simultaneously with the applet window. It worth to mention that Razavi & Nguyen secondary window is also a detached window since it is under the control of the detached applet, however this argument of the appellant should not be further extended since the limitation is not recited in the claim.

The appellant, for the first time, present arguments against the rejections of claims 16-19, 24-27, and 32-35. These new arguments will be addressed as grouped, with claims 16-19 being representative claims, respectively.

Claim 16 recites closing the displayed windows when the browser switches to a new web site. Razavi discloses an operating environment that controls the display of windows, which inherently includes a list of open windows on a desktop (3:48-65). Per Razavi, a detached applet continues to run after the browser switches to another website (1:56-61, 7:45-47), however the applet window can be iconified (close, 7:61-65) or actually closed just like any other window on the desktop (5:37-40, 6:18-20). Nguyen also discloses that when the browser switches to another applet's page the applet stop, and the applet is start when the applet's page is revisited (See Nguyen's teaching of Stop() and start() method, 8:28-39). When an applet window is closed, its secondary pop-up window is also closed because the secondary window is controlled by the applet. I.e., when jukebox applet window 420 is closed, its associated pop-up secondary window for displaying the CD cover is also closed. As for claim 16, when the browser switches to another website information displayed inside an applet window and its secondary window may not be of user interest. Thus it would have been obvious to one of skill in the art to implement the iconification or closing the applet window and its secondary window for saving display space and memory. The applet window and its secondary window are reopened whenever the applet is executed by the browser. The applet window and its secondary window can be the windows for displaying a homepage and visited page.

As for claim 17, Razavi clearly discloses that the applet window remains open (and thus its secondary pop-up window) as the browser switches to another website (7:45-47), and all windows are closed responsive to an exit command from the browser application (7:50-55). Again, the list of opened windows on a desktop is inherently included in Razavi's teaching of the operating environment that controls the display of windows (3:48-65). The appellant argues that Razavi's windows are closed when the browser switches to another website, and then the detached applet is also automatically closed because it is no longer receiving any data. This argument appears contradict to Razavi's clear teachings that the applet continues to run as the browser switches to another website (1:56-61, 7:45-47), therefore not deemed persuasive. If appellant's argument implies that the exit command is applied to the applet window, this limitation is not recited in the claim. Claim 17 simply states "providing an exit command" with the browser window not being excluded from receiving the command. However, and more importantly, Razavi clearly discloses that the detached applet has the functionality as any ordinary application window running on the operating environment, i.e., it can be iconified (close, 7:61-65) or actually closed just like any other window on the desktop (5:37-40, 6:18-20. See also Nguyen teaching of the Destroy() method in 8:36-39). Thus even if the claim language "providing an exit command" is referring to exiting from the applet, the limitation still read on clearly by Razavi and Nguyen. The appellant argues that the reasoning applied in the rejection of claims 16 and 17 is inconsistent. In response to the argument, and as set forth above, Razavi discloses that all applet windows are closed when the browser application is closed. However the detached applet continues to run as the browser switches to another website. The detached applet window is being independent from the browser application and can be iconified or closed. Thus the user may decide to close the applet windows when the browser switches to another website. However, instead of leaving the applet windows remain displayed on the screen using up screen estate, it would have been obvious to iconify or close down the applet window when the browser switches to another website since information displayed within the applet window may no longer be of user interest. Thus the inconsistency as argued by the appellant does not exist.

Claims 18, 26, and 34 recite the implementation of the applet window as being used for monitoring hardware and software resources. Dependent claims 19, 27, and 35 further recite that the secondary applet window is for responding to an event occurs in the being monitored resource. Support for these limitation is briefly suggested without any detailed in the appellant's specification, page 7, lines 3-7. It appears that the implementation of the applet that can monitor hardware and software resources, and which applet open a secondary window to respond to event is an obvious field of application of the applet. In Razavi the applet is used as a Jukebox which applet is capable of opening a secondary window for displaying a selection box responsive to a trigger event. In Nguyen, the applet can be an email applet that monitors incoming mails, which email applet opens a secondary window responsive to an incoming mail event (9:46-58). It would have been obvious to one of skill in the art, at the time the invention was made, to implement the applet that used to monitor hardware and software resources, and open a window to respond to event to Razavi. Motivation of the implementation is for the obvious resource monitoring field of use.

Appellant's attorney disagrees with this analysis.

1. Claims 12, 20 and 28

The combination of Razavi and Nguyen does not reach or suggest at least the limitations of Appellant's independent claims 12, 20, and 28 directed to an applet displaying a first window outside of the browser application's window constraints using a class, wherein the class comprises elements that make a window displayed by the applet look like an executing application, and the same applet displaying a second window outside of the browser application's window constraints simultaneously with the first window using the class.

Razavi merely describes an applet that displays its own window, wherein the applet may be detached from the browser window. However, the applet in Razavi does not display first and second windows. Instead, the applet in Razavi displays a single window.

The Examiner's assertion that, since the applet functions as any ordinary application window on the desktop and the applet components includes dialog boxes and pop-up windows, it inherently appears that applets have the functionality of displaying a second applet window simultaneously with a first applet window, is unsupported by the evidence. The Examiner cannot cite to any location in Razavi that describes an applet displaying first and second windows. Instead, this statement in Razavi merely refers to the look-and-feel of the applet window, and the use of user interface functions and components in the applet window that are commonly found in any ordinary application window on the desktop.

Moreover, the Examiner's assertion that the code for Razavi's Jukebox applet contained in the Appendix displays a second window containing a CD cover or a selection box is erroneous. Again, nowhere does Razavi describe a second window being displayed by the applet. Instead, the image or selection box referred to in the Appendix of Razavi is apparently displayed in the single applet window. Note the statement on page 1 in the Appendix that the Jukebox GUI consists of a media controller and a selection box, where the selection box displays the current selection and its associated image, if any, and the controller provides VCR-type controls for a Media Player object. Compare this description to Figure 4 in Razavi, which shows a single Jukebox window with the text "Radio 100 FM" (i.e., the "selection box") above the VCR-type control buttons.

Thus, contrary to the Examiner's assertions, Razavi does not disclose that the applet has the functionality of simultaneously displaying a second window. Indeed, this portion of the Examiner's assertions is confusing, because the Examiner then admits that Razavi fails to "clearly" teach that the

applet displays a second windows. Instead, the Examiner again asserts that Nguyen teaches the displaying a second window from an applet window.

However, the Examiner misconstrues Nguyen. Nguyen, at 9:53-55, merely states that applets may provide user notification or feedback of state changes, such as changing an electronic mail button icon to signal that new mail has arrived, displaying a small pop-up window with appointment information, or animating a clock to display the time. However, nothing in this portion of Nguyen refers to an applet that displays a second window. Instead, a single "small pop-up window with appointment information" appears to be the only window displayed by the applet, and there is no suggestion of a second window in this portion of Nguyen.

Thus, even if combined, Razavi and Nguyen do not teach or suggest the limitations of Appellant's independent claims of an applet displaying a first window outside of the browser application's window and the applet displaying a second window outside of the browser application window simultaneously with the first window. Indeed, the present invention allows for multiple detachable windows per applet, not multiple applets with one detachable window each as suggested by the combination of Razavi and Nguyen.

Consequently, the rejections fail to persuade, and the Appellant's attorney respectfully submits that independent claims 12, 20 and 28 are patentable over the cited art of record.

Dependent claims 13-19, 21-27 and 29-35 are also submitted to be allowable over Razavi and Nguyen in the same manner as independent claims 12, 20 and 28, because they are dependent on independent claims 12, 20 and 28, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 16-19, 24-27 and 32-35 recite a number of additional novel elements not shown by Razavi and Nguyen.

2. Claims 16, 24 and 32

Claims 16, 24 and 32 recite that a list of displayed windows is maintained, and that the displayed windows in the list are closed when the browser switches to a new web site, and the displayed windows in the list are reopened when the browser executes the applet again.

According to the Examiner's Answer, the limitations of these claims are inherently found in Razavi, because Razavi discloses an operating environment that controls the display of windows, because a detached applet continues to run after the browser switches to another website, and because an applet window can be iconified or closed. The Examiner's Answer also cites Nguyen as disclosing that an applet stops when a browser switches to another applet's page, and that the applet

starts when the applet's page is revisited. According to the Examiner's Answer, it would have been obvious to one of skill in the art to implement the iconification or closing the applet window and its secondary window for saving display space and memory, and then reopening the applet window and its secondary window whenever the applet is executed by the browser.

Appellant's attorney disagrees with this analysis, and submits that nowhere do the references teach or suggest these limitations.

Since the combination of Razavi and Nguyen teach multiple applets each with one detachable window, when one of these applets is closed, only one window is closed. Any other windows that were open remain open, because they are not attached to that applet. When the applet is executed again by the browser, only one window can be reopened.

In Appellant's claims, however, a list of all windows associated with the applet is created, and when the browser switches to a new web site, all of the windows associated with that applet are closed. When the browser returns to that website, all of the windows in the list are reopened. No such list is taught or suggested by the references.

Thus, the rejections fail to persuade.

3. Claims 17, 25 and 33

Claims 17, 25 and 33 recite leaving displayed windows open after the browser switches to a new web site, providing an exit command, and closing the displayed windows upon receiving the exit command.

According to the Examiner's Answer, Razavi discloses these limitations because it describes how the applet continues to run in the detached frame with the application window transitions to a new host URL. In addition, the Examiner's Answer notes that Razavi discloses that all applet windows are closed when the browser application is closed. Finally, the Examiner's Answer also cites Nguyen as teaching of a Destroy() method.

Appellant's attorney respectfully disagrees with this analysis, and submits that nowhere do the references teach or suggest these limitations.

Neither of the references teach or suggest providing an exit command and then closing the displayed windows upon receiving the exit command.

Nguyen provides a destroy() method that is used desktop manager application, but does not describe invoking the destroy() method after the browser switches to a new web site.

In Razavi, as noted by the Examiner's Answer, the applet continues to run in the detached

frame after the application window transitions to a new host URL, and the applet ceases execution only when it is no longer streaming data from the host.

Thus, the rejections fail to persuade.

4. Claims 18, 26 and 34

Claims 18, 26 and 34 recite limitations on the first window to monitor a status of a resource and the second window used to respond to an event occurring with the monitored resource.

According to the Examiner's Answer, the applet in Razavi is used as a Jukebox which is capable of opening a secondary window for displaying a selection box responsive to a trigger event, and the applet in Nguyen can be an email applet that opens a secondary window responsive to an incoming mail event.

Appellant's attorney respectfully disagrees with this analysis, and submits that nowhere do the references teach or suggest these limitations.

As noted above, Razavi's Jukebox applet does not display a second window containing a selection box. Instead, the selection box is displayed in the single applet window with the control buttons.

Similarly, Nguyen merely refers to a single "small pop-up window with appointment information" displayed by the applet. There is no suggestion of a second window in this portion of Nguyen.

Thus, the rejections fail to persuade.

5. Claims 19, 27 and 35

Claims 19, 27 and 35 are dependent on claims 18, 26 and 34 respectively, and recite monitoring hardware and software resources from multiple physical locations. Claims 19, 27 and 35 are rejected with claims 18, 26 and 34 as noted above.

Since the combination of Razavi and Nguyen teach multiple applets each with one window, only one window is active at a given time, and therefore, only one physical location can be monitored at any given time.

However, in Appellant's invention, there is only one applet is running, with multiple windows displayed, and so it is possible to monitor hardware and software resources from multiple physical locations with the multiple windows associated with the single running applet.

Thus, the rejections fail to persuade.

III. CONCLUSION

In light of the above arguments, Appellant's attorney respectfully submits that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellant's claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103.

As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

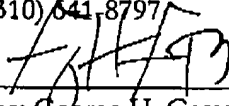
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By his attorneys,

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